

**UNITED STATES BANKRUPTCY COURT**  
Eastern District of California

**Honorable Ronald H. Sargis**  
**Chief Bankruptcy Judge**  
**Sacramento, California**

**April 19, 2022 at 10:00 a.m.**

---

1.	<a href="#"><u>20-24123</u></a> -E-11 <a href="#"><u>FWP-36</u></a>	RUSSELL LESTER	CONTINUED SCHEDULING CONFERENCE RE: VOLUNTARY PETITION 8-27-20 <a href="#"><u>[1]</u></a>
----	--	----------------	--

<b>The Scheduling and Status Conference is <span style="color:red">XXXXXXX</span></b>
---

On March 21, 2022, Russell Lester, the Reorganizing Debtor under his confirmed Chapter 11 Plan (“Plaintiff-Debtor”) filed a Complaint naming First American Title Company and Russ Lester, LLC as defendants. Dckt. 1. The Complaint seeks a judgment for a preliminary injunction. *Id.*; First Claim for Relief. No other relief is sought in the Complaint. On March 22, 2022, Plaintiff-Debtor filed a Motion for Issuance of Temporary Restraining Order and Preliminary Injunction. Dckt. 7. The Motion states that there are ambiguities in the confirmed Plan, that Plaintiff-Debtor has been delayed in obtaining a conservation easement due to governmental review, and that the Plan appears to cause the Plaintiff-Debtor to automatically lose real property if the conservation easement is not completed by March 31, 2022. *Id.*, ¶¶ 5b-5e.

At the hearing, all Parties engaged in a constructive, productive discussion of their respective interests and issues. The consensus is that they are working to find agreement to allow for the prompt closing of the conservation easement and minimize the negative financial consequences for all Parties.

The court granted the motion for temporary restraining order, and a further hearing was conducted. Though the Parties have worked to try and resolve these issues and continue in the orderly sale of the conservation easement, they have not been able to come to a consensus. The Parties could not agree to the court having a temporary restraining order extend beyond 28 days permitted under the Federal Rules of Civil Procedure (absent the consent of the Parties), so the court issued an interim preliminary injunction, with a final hearing set.

The Parties requested the court set a Status and Scheduling Conference, at which they could clearly articulate the status of the plan and what outstanding issues remain. This is similar to such a Conference the Parties requested and participated in (for which the court ordered the Parties

and their counsel to appear in court, granting an exemption from the COVID closure of the Courthouse), and were able to resolve their issues and confirm the Plan in this case.

At the Status and Scheduling Conference, **XXXXXXX**